IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.354 OF 2003

Amar Murlidhar Bade .. Appellant.
V/s.
Income Tax Officer, Ward 1(2), Kolhapur .. Respondent.

Mr.A.K. Jasani for the appellant.
Ms.S.V. Bharucha i/b. P. Kapur for the respondent.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 16H OCTOBER, 2004.

P.C. :

Heard Mr.A.K. Jasani, the learned counsel for the appellant - assessee.

2. The Tribunal in the impugned order observed thus :

> "After careful consideration of arguments of both sides in the light of relevant provisions and case law cited, I find that the basis and reasoning as given by the learned CIT(A) in upholding the action of the A.O. in holding that penalty is attracted in this case are sound and convincing. Each and every point as raised before the ld. CIT(A) is found to have been taken note of and considered by the learned CIT(A) by passing a very elaborate and reasoned order. Since the assessee was not being previously assessed to tax and when she had taxable income for the year under consideration and return of income was only filed in response to notice u/s.148, therefore, she has been

> properly held deemed to have concealed her income within the meaning of Explanation 3 to Sec.271(1)(c) of the Income-tax Act. Similarly, by giving an explanation which has been found to be false by the A.O. or by giving further explanation which she has not been able to substantiate, it has been properly held/confirmed by the authorities below that penalty in this case was leviable. Therefore, to this extent the orders of the authorities below are confirmed and the appeal of the assessee in this regard is dismissed."

3. The consideration of the matter by the Tribunal cannot be said to suffer from any legal infirmity.

4. No substantial question of law arises in this appeal. The appeal is dismissed in limine.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)